

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ADAM LOWTHER and JESSICA
LOWTHER on behalf of themselves
and as next friends to their minor children,
W.L. and A.L.,

Plaintiffs,

v.

No. 1:18-cv-00868-KWR-JFR

CHILDREN YOUTH AND FAMILIES
DEPARTMENT, BERNALILLO COUNTY
SHERIFF'S DEPARTMENT,
MARIA MORALES, in her personal capacity
acting under color of state law, ANDREA
MILES, in her personal capacity acting under
color of state law, JACOB WOOTTON, in his
personal capacity acting under color of state law,
CATHERINE SMALLS, in her personal capacity
acting under color of state law, BRIAN
THORNTON, in his personal capacity acting
under color of state law, and MARTIN LOZANO,
in his personal capacity acting under color of state
law,

Defendants.

**ORDER ON PLAINTIFFS' UNOPPOSED MOTION TO DISMISS WITH PREJUDICE
DEFENDANT CYFD FROM COUNTS IV, VI AND VIII**

THIS MATTER having come before the Court on Plaintiffs' Unopposed Motion to
Dismiss Defendant CYFD from Counts IV, VI and VIII and the Court finding that the motion is
WELL-TAKEN and should be **GRANTED**,

HEREBY ORDERS THAT Defendant CYFD shall be **DISMISSED** from Counts IV,
VI and VII, **WITH PREJUDICE**.

IT IS SO ORDERED.



KEA W. RIGGS
UNITED STATES DISTRICT JUDGE

Respectfully submitted,

/s/ Vincent J. Ward

Vincent J. Ward
H. Jesse Jacobus, III
FREEDMAN BOYD HOLLANDER
GOLDBERG URIAS & WARD P.A.
20 First Plaza NW, Suite 700
Albuquerque, NM 87102
Phone: (505) 842-9960
Fax: (505) 842-0761
vjw@fbdlaw.com
hjj@fbdlaw.com

and

Rachel E. Higgins
Attorney at Law
111 Tulane Drive SE
Albuquerque, NM 87106
Phone: (505) 247-9339
rachel@rachelhigginslaw.com

Attorneys for Plaintiffs

Approved by:

BUTT THORNTON & BAEHR PC

/s/ Sarah L. Shore, Electronically Approved July 16th, 2021

Sarah L. Shore

Jane A. Laflin

Valentina E. Basile

PO Box 3170

Albuquerque, NM 87190-3170

Telephone: (505) 884-0777

Facsimile: (505) 889-8870

jalaflin@btblaw.com

sshore@btblaw.com

vebasile@btblaw.com

*Attorneys for Defendants Children Youth and
Families Department, Maria Morales, and
Andrea Miles*